

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Treasuries and Accounts Department – Irregular payment of service pension to Sri Syed Hamid Hussain, H/o. PPO.No.3935/Kar/FP – Departmental Proceedings against Sri N.Brahmanandam Jr. Accounts Officer (Retd.) Office of the APPO, Nampally, Hyderabad – Imposition of a punishment of withholding of 5% pension for a period of one year under Rule 9 of A.P. Revised Pension Rules, 1980 – Orders – Issued.

FINANCE (ADMN.I.VIG.) DEPARTMENT

G.O.Rt.No. 4627

Dated:01-12-2008.

Read the following:-

1. DTA Lr.No.KII (8)/7839/2004, dt. 17-10-2005.
2. DTA Charge Memo.No.KII/7889/2004-(2), dt.17-10-2005.
3. Statement of defence of Sri N.Brahmanada Rao, JAO (Retd.), dt. 7-11-2005.
4. DTA Procs.No.KII (8)/7889/2004, dt. 28-6-2006.
5. Enquiry Report of Sri G.P.Prasada Rao, Joint Director, O/o.JD, PPO, Hyderabad, dt. 10-11-2006.
6. DTA Progs.No.KII (8)/7889/2004-(2), dt. 29-1-2007.
7. Explanation of Sri N.Brahmanandam, Junior Accounts Officer (Retd.), dt. 22-2-2007.
8. Govt. Memo.No.28399/251/A2/Admn.I/2005, dt. 26-2-2008
9. DTA Lr.No.KII (8)/7889/2004, dt. 29-3-2008 along with explanation of Sri N.Brahmanandam, JAO (Retd.) dt. 24-3-2008.
10. Govt. Memo. No. 28399/251/A2/Admn.I/2005, dt. 18-4-2008.
11. DTA Lr.No.KII (8)/7889/2004, dt. 02-05-2008 along with proforma particulars of Sri N.Brahmanandam, JAO (Retd.).
12. Govt.Lr.No.28399/251/A2/Admn.I.Vig/2005,dt.14-05-2008 addressed to AP. Public Service Commission.
13. APPSC Lr.No.19/RT-1/1/2008, dt. 06-11-2008.

ORDER:

In the reference 1st read above, the Director of Treasuries and Accounts has informed that Sri Syed Hamid Hussain, holder of PPO No.3935/OG/Kar/FP, O/o. the APPO, Nampally, Hyderabad expired on 4-9-2002. He was drawing service pension through SBH, Mallepally branch, Hyderabad till his death. His wife, Smt. Ashrafunnisa applied for lifetime arrears of pension of her husband and Family Pension on 29-10-2002 along with a copy of death certificate in support of her request. Before arrangement of the payment of lifetime arrears, the then APPO, Nampally got refunded the amount of service pension from bank for the months of 9/02 and 10/02. Thereafter, the wife of deceased service pensioner, Smt. Ashrafunnisa was also arranged for payment of Family Pension w.e.f. 25-9-02 through SBH, Mallepally branch, Hyderabad.

2. According to instructions laid under T.R. 16 and Article 80 of A.P. Financial Code, if pensioner died, the payment of service pension will be made upto and including the date of death only. In the instant case of Late Syed Hamid Hussain, holder of PPO No.3935/OG/Kar/FP, even after the death of pensioner, his service pension was regularly sent to bank from 1-11-02 to 31-12-2003 as well as family pension to his wife. Moreover, the payment of service pension of the deceased pensioner made upto 12/2003 without life certificate, which was due for submission on 1-11-2003. As such, the excess payment of service pension accrued to a tune of Rs.78,756/-. These facts were noticed during the course of inspection of office of the APPO, Nampally, Hyderabad and ordered to recover the amount. The said amount has been recovered from the concerned and remitted to the Government Account as detailed below:

- a) Rs.10,722/- vide challan No. 12204, dt. 24-2-2003.
- b) Rs. 67,854/- vide challan No. 1282, dt. 13-4-2004.

3. Further, the DTA has informed that the following four individuals were responsible for the above irregularities. Departmental Proceedings were initiated against them for their carelessness, negligence in discharging their duties and deliberately paid service pension through bank even though they have noticed that the service pensioner was died.

- 1. Sri D.Premanandam, APPO, Nampally (Retd.)
- 2. Sri J.V.Pentaiah, the then APPO, Nampally at present retired as AAO, O/o. the Superintendent Prohibition & Excise Department, Nalgonda.
- 3. Sri K.Bakkaiah, the then APPO, Nampally at present retired as Accounts Officer.
- 4. Sri N.Brahmanandam, JAO, O/o. the APPO, Nampally (now retired)

Out of (4) individuals, the Director of Treasuries and Accounts initiated departmental proceedings against Charged Officers (2) to (4) under rule 20 of A.P. Civil Service (CCA) Rules, 1991. Sri D.Premanandam, APPO, who was responsible for sending service pension, has retired from service on superannuation on 31-1-2003. Therefore, the Director of Treasuries has forwarded the case of Sri D.Premanandam to the Government for taking disciplinary action under Rule 9 of A.P. Revised Pension Rules, 1980.

4. Government initiated the departmental proceedings against Sri D.Premanandam, APPO, Nampally (Retd.) vide G.O.Ms.No.331, Finance (Admn.I.Vig) Department, dated 26-10-2005 and Articles of charges were issued vide G.O.Rt.No.3838, Finance (Admn.I.Vig) Department, dated 26-10-2005.

5. The Director of Treasuries and Accounts initiated Departmental Proceedings against Sri N.Brahmanandam, Jr. Accounts Officer along with others under Rule 20 of A.P.C.S. (CC&A) Rules 1991 vide Charge Memo. No. K II (8) 7889 (2)/2004(2), dated: 17-10-2005.

6. The following Charge was framed against N.Brahmanandam, JAO:

Sri N.Brahmanandam Junior Accounts Officer, Office of the Asst. Pension Payment Office, Nampally has failed to follow the procedure prescribed in A.P. Treasury Code and the instructions issued thereon from time to time in making pension disbursements in respect of pension order listed in the statement enclosed to the settlement of imputations, and thereby given scope for erroneous payment and was responsible for sending service pension payment from 1-11-2002 to 31-12-2003 even after release of family pension to the widow of the deceased.

Sri N.Brahmanandam, Junior Accounts Officer, Office of the Assistant Pension Payment Office, Nampally by the above mentioned acts has exhibited lack of devotion to duty and deliberate carelessness in discharging his duties entrusted for and also exhibit deliberate attempt to explicit financial discipline and thereby contravened rule 3(i) and (2) of A.P. Civil Services (Conduct) Rules 1964.

7. The Charged Officer has submitted his defence statement vide reference 3rd read above. In his defence, he denied the charge and stated that the matter has been reported to the JD, PPO, MJ Road, Hyderabad explaining the circumstances under which the service pension of (L) Sri Syed Hamid Hussain, holder of PPO No. 3935/OG/Karnataka was allowed to be sent to the SBH Branch of Mallepalli even after making payment of Life time arrears. The accountant concerned has failed to strike off the name of Sri Syed Hamid Hussain from the computer list after making payment of lifetime arrears to the wife of the deceased. Hence, the service pension of the pensioner was continued to the bank erroneously and inadvertently and not purposely. It was crystal clear that the money was available with the bank and the members of the family of the deceased pensioner did not utilized the money. The money was brought back and remitted to Govt. Account vide:

Challan No.12204, dt. 24-2-2003	-	Rs. 10,722.00
Challan No.12822, dt. 13-4-2004	-	Rs. 67,854.00

Total Rs. -		Rs. 78,576.00

The Charged Officer further stated that the Nampally branch is serving 10,000 pensioners. Generally, the computer list of the previous month will be looked into and the pension amount sent to the branches concerned for crediting to the SB accounts of the pensioner concerned. Entries will be made in the disburser's halves as and when the office could find time to do so. Previously the pension was being paid when the pensioner comes to the pension payment office and the scope to make payment without the presence of the pensioner was ruled out in those days. As the days passed, the pensions are being paid through the banks right from 1985 vide G.O.Ms.No. 299, Finance & Planning (FW-PSC.I) Dept., dt. 22-8-1985. Later, it was made compulsory to make

payment of pensions through the banks in the twin cities of Hyderabad and Secunderabad with effect from 1-4-1998 vide G.O.Ms.No.79, Finance & Planning (FW-PSC) Dept, dt. 19-12-1997. Verification of life certificates was not easy for 10,000 pensioners. It is common to creep some mistakes unnoticed and unwittingly. Therefore, requested to drop the charge framed against him, as it was only accidental mistake and not intentional mischief.

8. The Director of Treasuries and Accounts, after examination of the defence statement of the Charged Officer and other Charged Officers involved in this case ordered for regular inquiry by appointing Sri G.P.Prasada Rao, Joint Director, Pension Payment Office, Hyderabad as Inquiry Officer and Sri Mir Mumtaz Ali, Pension Payment Officer as Presenting Officer vide his Procs.No. K II (8)/7889/2004, dt. 28-6-2006 to inquire into the charges framed against them. In the inquiry, the charge framed against Sri N.Brahmanandam, Jr. Accounts Officer was proved.

9. The findings of the Enquiry Officer in respect of Sri N.Brahmanandam, Jr. Accounts Officer are as follows:

Findings of the Inquiry Officer:

The stoppage of pension for one month and its continuance thereafter could not be ascertained by any records or explained by any of the employee. This has happened due to a flaw in the system. The original PPOs are bundled and kept in the record rooms. An additional sheet containing all the details of pension has been prepared on the computers and these sheets, which are being called "Computer PPOs", only are being handled for day-to-day transactions. Due to this system when the service pension was converted a Family and a computer PPO is created for family pension, in case the computer PPO for service pension is not removed from rolls there is a possibility for release of both the pensions.

Another bad practice is in handling of life certificates. Once the pensioner submits the Life Certificate is submitted by the pension, they are not immediately attached with the original PPO. They are all bundled together and entry is taken in the computer for release of pension. In this particular case perhaps the pensioner might have submitted the Life Certificate before his death. All the while it must have been lying in a bundle. Once the computer operator or who ever was handling the Life Certificates has taken entries of Life Certificates received in the computer the stopped pension must have been released.

Being a 1st level supervisor it is his responsibility to guide the staff in a proper way and to have thorough check over the payments being made every month with reference to the correction register and other check lists. Sri N.Brahmanandam, Jr. Accounts Officer, who is a pension unit born employee, is very well aware of the records/registers which have to be maintained in the office. Non-maintenance of correction register in the section, continuation of service pension even after releasing family pension to the widow reveals that the charged officer was not having proper supervision and is equally responsibility for this misdeed.

10. The Director of Treasuries and Accounts being Disciplinary Authority, while furnishing a copy of the Inquiry Officer report, has given an opportunity to the Charged Officer to represent on the findings of the Inquiry Officer vide his Procs.No.K.II (8) 7889/2004(2), dt. 29-1-2007. In the meanwhile, Sri N.Brahmananda Rao has retired from service on attaining the age of superannuation. Therefore, the DTA has forwarded the case of Sri N.Brahmanandam, JAO to the Government for taking further action under Rule 9 of A.P. Revised Pension Rules, 1980.

11. The explanation of Sri N.Brahmanandam was examined and observed that his explanation is similar to that of his statement of defence submitted against Charge Memo. Being a 1st level supervisor, it is his responsibility to guide the staff in a proper way and to have thorough check over the payments being made every month with reference to the correction register and other check lists. Sri N.Brahmanandam, Jr. Accounts Officer, who is a pension unit born employee, is very well aware of the records/registers which have to be maintained in the office. Non-maintenance of correction register in the section, continuation of service pension even after releasing family pension to the widow reveals that the charged officer was not having proper supervision and is equally responsibility for this misdeed. Hence, it was concluded that the charge framed against Sri N.Brahmanandam is proved substantially. Therefore, Government came to a provisional conclusion for imposition of a punishment of withholding 30% of his pension for a period of (10) years on the Charged Officer, Sri N.Brahmanandam, Jr. Accounts Officer (Retd.), under Rule 9 of A.P. Revised Pension rules, 1980. Accordingly, a final show cause notice was issued to the Charged Officer vide reference 8th read above.

12. The Charged Officer, Sri N.Brahmanandam, Jr. Accounts Officer (Retd.), submitted his explanation vide reference 9th read above. Government, after careful examination of the Charge, written statement of defence and explanations of the Charged Officer, Sri N.Brahmanandam, JAO (Retd.), with reference to the findings of the Inquiry Officer and to the final show-cause notice in detail observed that the Charged Officer being a 1st level supervisor has failed to perform his responsibility and to guide the subordinate staff in a proper way and to have thorough check over the payments being made every month with reference to the correction register and other check lists. Though well aware of the records/registers, which have to be maintained in the office, Sri N.Brahmanandam, Jr. Accounts Officer, who is a pension unit born employee failed to maintain the correction register in the section which leads to payment of service pension to the deceased pensioner even after releasing the family pension to the widow of deceased pensioner. It reveals that the charged officer was not having proper supervision and responsible for this misdeed. Hence, charge framed against him proved substantially. Therefore, Government came to a provisional conclusion for imposition of a punishment of withholding of 30% of his pension for a period of (10) years under Rule 9 of A.P. Revised Pension Rules, 1980 and referred the matter to the Andhra Pradesh Public Service Commission, Hyderabad for their concurrence vide letter 12th read above.

13. The Secretary, Andhra Pradesh Public Service Commission, Hyderabad in his letter 13th read above, informed that the Commission, after careful examination of the disciplinary case in the light of the records made available, observed that the proposed punishment appears to be too harsh for the charge. Therefore, the Commission advised for imposition of a punishment of withholding 5% of pension for a period of one year on the Charged Officer, Sri N.Brahmanandam, Jr. Accounts Officer (Retd.).

14. Government, after careful examination of the matter, agree with the advice of the Andhra Pradesh Public Service Commission and hereby order for imposition of a punishment of withholding 5% of pension for a period of one year on the Charged Officer, Sri N.Brahmanandam, Jr. Accounts Officer (Retd.) under Rule 9 of A.P. Revised Pension Rules, 1980.

15. The Director of Treasuries and Accounts, Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNMENT OF ANDHRA PRADESH)

**Dr.SAMEER SHARMA
SECRETARY TO GOVERNMENT (FP)**

To

The individual through the Director of Treasuries & Accounts, A.P., Hyderabad.

The Director of Treasuries and Accounts, A.P., Hyderabad.

Copy to:

The Accountant General, A.P., Hyderabad.

The Secretary, Andhra Pradesh Public Service Commission, A.P., Hyderabad

SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER